BEST COPY
AVAILABLE

MONTANA LEGISLATIVE HISTORY

Chapter 381 19 89

Bill H 762 S _____ Original bill & history ✓ C

H. Committee on Local Government			S. Committee on Local Government		
Hearing Date(s)	Feb 18	✓ C	Hearing Date(s)	Mar 12	✓ C
	Feb 20	✓ C		Mar 17	✓ C
		C		Mar 19	✓ C
		C			C
Date Out	Feb 20	✓ C		Mar 19	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HOUSE BILL NO. 762

INTRODUCED BY J. BROWN, CONNELLY, BRANDEWIE, DONALDSON, GRADY, COHEN, DARKO

IN THE HOUSE

FEBRUARY 14, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
FEBRUARY 20, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 21, 1987	PRINTING REPORT.
FEBRUARY 23, 1987	SECOND READING, DO PASS.
FEBRUARY 24, 1987	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 88; NOES, 10.
	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 2, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
MARCH 20, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 24, 1987	SECOND READING, CONCURRED IN.
MARCH 26, 1987	THIRD READING, CONCURRED IN. AYES, 47; NOES, 3.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 27, 1987	RECEIVED FROM SENATE.
	SENT TO ENROLLING.

House BILL NO. 762

INTRODUCED BY J. Brown Connelly Brooke
Donaldson Brady Cobb Parker

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAW RELATING TO THE PROVISION OF SOLID WASTE DISPOSAL SERVICES TO AN AREA ANNEXED BY A MUNICIPALITY; CLARIFYING THAT THE CUSTOMERS OF THE PRIVATE MOTOR CARRIER INCLUDE PERSONS THAT MOVE INTO THE AREA AFTER ANNEXATION; CLARIFYING THE MANNER OF REQUESTING CITY SERVICES; PROVIDING FOR ESTABLISHING ADEQUATE SERVICE; AND AMENDING SECTION 7-2-4736, MCA."

WHEREAS, the Montana Supreme Court, in D & F Sanitation Service v. Billings, ___ Mont. ___, 713 P.2d 977, 43 St. Rep. 74 (1986), interpreted section 7-2-4736, MCA; and

WHEREAS, the Supreme Court's interpretation of the section was contrary to the commonly understood intent of the statute and results in an unwieldy provision of services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-2-4736, MCA, is amended to read:

"7-2-4736. Preservation of existing garbage or solid waste service in the event of annexation. (1) A municipality that annexes or incorporates additional area receiving garbage and solid waste disposal service by a motor carrier

authorized by the public service commission to conduct such service may not provide competitive or similar garbage and solid waste disposal service to any person or business located in the area for 5 years following annexation except:

(a) upon a proper showing to the public service commission that the existing carrier is unable or refuses to provide adequate service to the annexed or incorporated area~~, and~~; or

(b) after the expiration of 5 years, ~~the municipality may provide such service only if~~ a majority of the residents of the annexed or incorporated area ~~request in writing to~~ sign a petition requesting the municipality ~~that such~~ to provide the service ~~be provided by the municipality~~.

(2) If a proper showing is made that the existing carrier is unable or refuses to provide adequate service to the annexed or incorporated area or if a majority of the residents request service from the municipality, the municipality may ~~assume sole jurisdiction for~~ provide garbage and solid waste disposal service to the entire annexed or incorporated area.

(3) For the purposes of determining whether an existing motor carrier provides adequate service, those services provided by the carrier prior to annexation are considered adequate services."

-End-

INTRODUCED BILL
HB-762

HOUSE BILL NO. 762

INTRODUCED BY J. BROWN, CONNELLY, BRANDEWIE, DONALDSON, GRADY, COHEN, DARKO

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAW RELATING TO THE PROVISION OF SOLID WASTE DISPOSAL SERVICES TO AN AREA ANNEXED BY A MUNICIPALITY; CLARIFYING THAT THE CUSTOMERS OF THE PRIVATE MOTOR CARRIER INCLUDE PERSONS THAT MOVE INTO THE AREA AFTER ANNEXATION; CLARIFYING THE MANNER OF REQUESTING CITY SERVICES; PROVIDING FOR ESTABLISHING ADEQUATE SERVICE; AND AMENDING SECTION 7-2-4736, MCA."

WHEREAS, the Montana Supreme Court, in D & F Sanitation Service v. Billings, ___ Mont. ___, 713 P.2d 977, 43 St. Rep. 74 (1986), interpreted section 7-2-4736, MCA; and

WHEREAS, the Supreme Court's interpretation of the section was contrary to the commonly understood intent of the statute and results in an unwieldy provision of services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-2-4736, MCA, is amended to read:

"7-2-4736. Preservation of existing garbage or solid waste service in the event of annexation. (1) A municipality that annexes or incorporates additional area receiving garbage and solid waste disposal service by a motor carrier authorized by the public service commission to conduct such service may not provide competitive or similar garbage and solid waste disposal service to any person or business located in the area for 5 years following annexation except:

(a) upon a proper showing to the public service commission that the existing carrier is unable or refuses to provide adequate service to the annexed or incorporated area; and; or

(b) after the expiration of 5 years, the municipality may provide such service only if IF a majority of the residents of the annexed or incorporated area request in writing to sign a petition requesting the municipality that such to provide the service be provided by the municipality.

(2) If a proper showing is made that the existing carrier is unable or refuses to provide adequate service to the annexed or incorporated area or, AFTER THE EXPIRATION OF 5 YEARS, if a majority of the residents request SIGN A PETITION REQUESTING service from the municipality, the municipality may assume sole jurisdiction for provide garbage and solid waste disposal service to the entire annexed or incorporated area.

(3) For the purposes of determining whether an existing motor carrier provides adequate service, those services provided by the carrier prior to annexation are

considered adequate services."

-End-

LOCAL GOVERNMENT COMMITTEE

50TH LEGISLATIVE SESSION

1987

Committee Members	District
Rep. Norm Wallin, Chairman	78
Rep. Ray Brandewie, Vice Chairman	49
Rep. Dave Brown	72
Rep. Jan Brown	46
Rep. Tom Bulger	37
Rep. Paula Darko	2
Rep. Bob Gilbert	22
Rep. Budd Gould	61
Rep. Larry Grinde	30
Rep. Stella Jean Hansen	57
Rep. Robert Hoffman	74
Rep. Les Kitselman	95
Rep. Paul Pistoria	36
Rep. Jack Ramirez	87
Rep. Walter Sales	76
Rep. Carolyn Squires	58
Rep. Timothy Whalen	93

Secretary

Jean Stephenson
Vonnie Evans

Staff

Lee Heiman

Form CS-32
Rev. 1985

STATUS SHEET

50th LEGISLATIVE SESSION

LOCAL GOVERNMENT COMMITTEE

HOUSE BILL NUMBER	ENTERED COM. DATE	DATE CONSIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CONCURRED IN DATE	BE NOT CONCURRED IN DATE	BE CONCURRED IN AMENDED DATE	BE NOT CONCURR IN AS AMENDE DATE
646	2/9/87	2/13/87				2/13/87					
676	2/9/87	2/13/87	tabled 2/13/87								
692	2/10/87	2/18/87		2/18/87							
697	2/10/87	2/16/87				2/16/87					
722	2/12/87	2/16/87				2/16/87					
734	2/13/87	2/18/87				2/18/87					
744	2/14/87	2/18/87				2/18/87					
745	2/14/87	2/18/87				2/18/87					
762	2/14/87	2/18/87				2/20/87					
773	2/16/87	2/18/87	tabled 2/18/87								
783	2/17/87	2/18/87		2/18/87							
809	2/18/87	2/20/87	tabled 2/24/87								
813	2/18/87	2/20/87	2/19/87								

and no consolidation at all. He felt the consolidation of counties should be looked at first rather than overlapping of jurisdictions.

Rep. Hoffman commented that under the new constitution it is provided for services to be consolidated.

Rep. Gould stated that was probably true but wondered if there would be some way to make it workable. Past attempts to consolidate services has resulted in such commotion and hard feelings and problems in trying to deal with people.

Rep. Hansen asked regarding the public meeting to be held after the commission is organized if the purpose was so people could talk about how they could consolidate services. There are no guidelines for that public meeting.

Rep. Ramirez stated it simply would be to have different places geographically spread around the state so people could come in and make suggestions as to boundaries and transition. Rep. Ramirez stated he felt the transition is as important as the boundaries.

Rep. Hansen felt the transition should be kept strictly to the local level because every group of counties that want to consolidate will do it differently and they should have that option.

Rep. Ramirez stated the plan could at least set a deadline for completing the transition and then the counties could work it out.

Rep. Grinde asked if the petition form of implementing counties was still in effect?

Rep. Fritz replied it is no longer present law.

The hearing was closed on HB's 744 and 745.

CONSIDERATION OF HOUSE BILL 762: Rep. Jan Brown, House District 46 and sponsor of the bill, stated she is carrying HB 762 at the request of Solid Waste Contractor's Association and has no vested interest in it. The bill addresses a problem which came up in Billings. When an area is annexed, the municipal garbage services are not suppose to come into the area until five years after annexation. Apparently, there was a problem in Billings and this bill is to clarify the law to preclude this from happening again.

PROPONENTS: Sue Winegardner, Executive Director of MT Solid Waste Contractors' Association, presented written

testimony and read from the testimony to the committee (Exhibit 4).

Dennis Johnston, owner Yellowstone Sanitation Service, pre- sented written testimony and read from the testimony to the committee (Exhibit 5).

OPPONENTS: John Loughton, representing the City of Billings stated the bill provides that all annexed properties be serviced by a private garbage hauler for five years after annexation. Present law provides that only existing customers be serviced by private haulers for five years after annexation. This interpretation was confirmed by the Supreme Court and the City of Billings feels that the law is clear and adequate protection for the private haulers. He said there is no public purpose served by the proposed law. It would allow private haulers to expand their operations inside annexed areas for the five-year period.

Shawn Egan, MT League of Cities and Towns, stated they were in opposition to the bill.

Dick Nisbet, Director of Public Works in Helena, stated he did not have problems with the original way the bill was written, protecting the private hauler when he annexes partially built property. HB 762 could apply to raw ground with a single farmer who wants to develop his property. He would have to be served by a private hauler and not the city. Even though he would want to come in to the city for water & sewer, they could not provide services under the amendments in the bill. Mr. Nisbet did not feel that was the intent of the bill to start with.

DISCUSSION (OR QUESTIONS) ON HOUSE BILL 762: Rep. Sales asked when the existing five years would be up?

Mr. Johnstone replied in Billings there are 3 1/2 years left.

Rep. Hoffman asked Ms. Winegardner as representative of the garbage carriers who are members of the organization in the state, what the average length of lease is that the carriers have with the community they serve?

Ms. Winegardner responded not all private carriers contract with the city. She said she is not aware that most companies operate on a contract basis particularly with their residential customers.

Rep. Hoffman stated in Madison County one of the members of the MT Solid Waste Association has contracted with the community. He asked the length of the contracts in order to bring into focus the significance of the five-year

period. He thought most of the contracts are for less than five years.

Ms. Winegardner thought there was confusion between landfill contracts and the ability for the collector to take garbage to the landfill with the ability of the collection services.

Rep. Brown in closing stated that Rep. Donaldson carried the original piece of legislation and since the question of legislative intent was brought up, it might be wise to check with him before taking action on the bill.

CONSIDERATION OF HOUSE BILL 692: Rep. Jan Brown, House District 46 and sponsor of the bill stated HB 692 was requested by the City of Helena and is an act that would allow public bodies to issue crossover refunding bonds.

PROPONENTS: Janet Jessup, Director Administrative Services for the City of Helena was present but unable to testify because of laryngitis. She passed out a letter of support of HB 692 to the committee (Exhibit 6).

Creg Jones, D. A. Davidson, presented written testimony to the committee (Exhibit 7). He urged the committee to pass HB 692 allowing local government greater flexibility in restructuring their outstanding debt to the benefit of the individuals of the state.

John Loughton, City of Billings, stated the city supports the concept of changing the law to allow crossover refundings. He said they have planned crossover refundings in the tax bonding area and it is a useful tool.

Rep. Brown closed on HB 692.

CONSIDERATION OF HOUSE BILL 734: Rep. Bulger, stated HB 734 was a committee bill that arose from discussion when Mr. Jones, D. A. Davidson, appeared previously before the Local Government Committee. The publication notice in advance of public bond sales is different in all sections of the law. The bill is an attempt to standardize this.

PROPONENTS: Creg Jones, DAD, stated the bill directs municipalities to standardize the advertising features for all types of bonds. He said it does exclude SID bonds which may want to be considered at the same time. Mr. Jones stated it is advisable to sell the bonds following the letting of construction bids. If the bonds are sold prior to the construction they may either be too high or too low. This is extremely important because local governments do not have the ability to call bonds if the bonds have been sold and the construction bid comes in low. There is

E 2-18-87
HB 762

Montana Solid Waste Contractors, Inc.

36 South Last Chance Mall, Suite A • Helena, Montana 59601 • 406-443-1160

HOUSE BILL 762

February 18, 1987

-ony of Sue A. Weingartner, Executive Director

:urpose in requesting HB 762 is to clarify the Legislative intent fo Section 7-2-4736, . This section of the law says that when a municipality annexes additional areas, -auler that serves that area may continue serving that "area" for the next five ...-free from competition from the municipality. However, if at any time during that :r period the hauler doesn't provide adequate service, there is a remedy available: :.se all private haulers are regulated by the Public Service Commission, upon proper .ing to the PSC that adequate service isn't being provided, the City can then step in take over the collection and disposal.

.ddition, at the end of the 5-year period, an additional option is available to the .ents of the area: If a majority of those residents within the area request municipal .es, the municipality is free to step in and take over the services.

.use garbage collection is very capital intensive, a 5-year period gives the hauler time notice to make necessary adjustment in his business. To suddenly lose a portion of -tomers through overnight annexation can deal a severe blow to a small business. Most .tana haulers are small businesses - many are "mom and pop" operations.

most instances, this law has worked well. :The obvious exception is in Billings, the .e mentioned in the preamble language to HB 762, in which the Montana Supreme Court .rpreted the Legislative "area" language to mean "customers residing in the area" at time of annexation.

.c additional items in the bill:

We feel that the "petition" method on p. 2 line 12, of requesting city services is more organized and accountable way of determining the "majority of residents"; and

We request the "adequate service" be defined in subsection (3) beginning on page 2, . 21.

. would be happy to provide any additional information or answer any questions the .mittee might have. We urge your support of HB 762.

EXHIBIT 5
DATE 2-18-87
HB 762

PERSONAL TESTIMONIAL FOR
HOUSE BILL 762

I would like to introduce myself. My name is Dennis Johnston. I have been [b]usiness for 9 years and I am the owner of Yellowstone Sanitation Service, [B]ig Sky Haul-Away. I employ approximately 20 employees and service a 4 [c]ty area. I would like to list the effects this Statute will have on my [e]sting companies.

We have lost approximately 575 previous customers from the time of annexa-[t]on to September, 1986.

We purchase equipment to service our projected growth. More homes serviced [p]er truck will utilize equipment and manpower more efficiently, therefore, [c]ompetition increases operating costs which must be passed onto the customer.

Presently we have 3 carriers, 2 private and the City of Billings, in the [n]ewly annexed areas. This is extremely inefficient from a production standpoint. 3 different companies on the same street on 3 different days.

We have customer confusion concerning annexation and the assumption that they are charged twice for service is erroneous. Customers are charged for collection by the private carrier and is charged for use of the landfill on their personal property taxes by the City of Billings.

The intent of the Legislature, in passing the original Statute, appeared to prohibit all or similar service by a municipality in an annexed area for a period of years, and to preserve existing garbage and solid waste services in the event of annexation.

We question the City of Billings and State of Montana Supreme Court's interpretation to allow a municipality access into an annexed area before obtaining the written request of 51% of the residents in the newly annexed area. Because of the decision by the Supreme Court, the City of Billings is using the original Statute to begin collecting the necessary customers to total the 51% so that they may service the total area. The City has, in the past, accused the original Statute of creating a monopoly in the newly annexed areas in favor of the private carrier. The City of Billings forgets it has created a monopoly by allowing the City exclusive rights within the City of Billings. We have attempted in the past to service certain trailer courts within the City, at a lower rate than the City rate, and were refused permission because of the City ordinance.

Dennis Johnston-Yellowstone Sanitation Service & Big Sky Haul-Away

We would urge this committee to pass the revised Statute now presented before you. In closing, we have over the last 9 years been in a constant struggle with the City of Billings. We hope the revised Statute would allow us at least 5 years to prepare for restructure of the company.

We feel the passing of this House Bill 762 will give us the necessary time to recoup our investments.

Respectfully,

Dennis Johnston

DJ:bk

of the bill. That has been one of the problems of subdivision law all along. He emphasized that a division where a person wants to split off a piece from a farm and give it to his children falls into the minor subdivision section. The review is very simple and does not require anything that is not already required by present law.

Rep. Iverson admitted that if a county went ahead and did things right, there would be some additional costs but because of not doing a full blown master plan it would not be that significant.

Concerning wildlife, Rep. Iverson stated the way wildlife is dealt with in the bill is much simpler and easier than in current law. In current law, every subdivision must be reviewed for a list of things and wildlife has to be considered in every case in current law. In addition under current law, it can simply be stated that there is an impact on wildlife and development can be denied on that basis. Under HB 809, the only time wildlife can be considered is in a major subdivision where there is no master plan.

Rep. Iverson read what is currently required for public interest criteria under current law. These public interest criteria apply to every subdivision.

One opponent was concerned of county power being given up to another officer. Rep. Iverson stated this is only in the case where the county decides to designate that authority.

He understood the bill is difficult and complex to deal with in the short amount of time but felt it is critical that it be dealt with.

Chairman Wallin commented that executive action would be taken up on Monday. He felt it important to give the time for other people to contact members of the committee and for committee members to have time to study the bill.

Rep. Iverson suggested that Mr. Thompson identify the places in the bill currently in present law.

Chairman Wallin appointed a subcommittee to work on HB 809. Rep. Dave Brown was appointed chairman, Rep. Gilbert and Rep. Kitselman were appointed as members.

EXECUTIVE ACTION

DISPOSITION OF HOUSE BILL 762: Rep. Jan Brown moved to DO PASS 762 and moved to DO PASS the clarification amendments previously submitted. Rep. Brown read the amendments and stated they had been an oversight in drafting. She stated she had spoken with Rep. Donaldson and the original intent of the bill was so two different services were not going

into the same area within the five-year period.

Rep. Wallin asked then that the bill gives the independent contractor five years to operate in the area that has already been annexed?

Rep. Brown stated it allowed the contractor to operate without the city going in and taking up the new places. The independent contractor would have the whole area for the five years unless the services were not being provided adequately and then the people could petition to remove the service.

The question was called on the amendments. The motion carried unanimously.

Rep. Jan Brown moved to DO PASS HB 762 AS AMENDED. The question was called and the motion carried unanimously.

ADJOURNMENT: There being no further business to come before the committee, the meeting was adjourned at 2:35 p.m.

Rep. Norm Wallin, Chairman

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2/20/87

NAME	PRESENT	ABSENT	EXCUSED
REP. NORM WALLIN, CHAIRMAN	✓		
REP. RAY BRANDEWIE, VICE CHAIRMAN	✓		
REP. BUDD GOULD	✓		
REP. REP. TIMOTHY WHALEN	✓		
REP. PAULA DARKO	✓		
REP. TOM BULGER	✓		
REP. JAN BROWN	✓		
REP. BOB GILBERT	✓		
REP. LARRY GRINDE	✓		
REP. WALTER SALES	✓		
REP. STELLA JEAN HANSEN	✓		
REP. PAUL PISTORIA	✓		
REP. ROBERT HOFFMAN	✓		
REP. LES KITSELMAN	✓		
REP. JACK RAMIREZ	✓		
REP. DAVE BROWN	✓		
REP. CAROLYN SQUIRES	✓		

CALL

COMMITTEE

ION -- 1987

Date

SENT | ABSE

STANDING COMMITTEE REPORT

February 20 19 97

ittee on LOCAL GOVERNMENT

HB 762

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

Rep. Norm Wallin Chairman

2, line 10.
g: "~~if~~"
"if"

e 2, line 16.
ing: "or"
"after the expiration of 5 years"

ge 2, line 17.
e: "request"
t: "sign a petition requesting"

WHITE
reading copy ( )
color

MONTANA STATE SENATE

LOCAL GOVERNMENT COMMITTEE

- -

50TH LEGISLATURE

- -

COMMITTEE MEMBERS:
Senator Bruce Crippen, Chairman
Senator R. J. Pinsoneault, V. Chairman
Senator Tom Beck
Senator Dorothy Eck
Senator H. "Swede" Hammond
Senator Ethel Harding
Senator Les Hirsch
Senator Peter Story
Senator Eleanor Vaughn
Senator Mike Walker

STAFF ATTORNEY:
Karen Renne

COMMITTEE SECRETARY:
Rosemary Jacoby

- -

BOOK: 1 of 1

INCLUSIVE DATES:
January 28, 1987 through March 24, 1987

STATUS SHEET

SENATE LOCAL GOVERNMENT COMMITTEE

50th LEGISLATURE

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 762	Clarification on garbage collection in annexed areas	March 3	J.Brown	March 12	BE CONCURRED IN	March 19
HB 783	Limits review for access to divisions of land	Feb. 24	Brandewie	March 10	BE CONCURRED IN	March 10
HB 496	Increasing public contractor tax; creating water system board and grant program	April 10	Bradley	April 14	AS AMENDED, BE CONCURRED IN	April 14
SJR 14	Requesting an interim study of county consolidation	April 14	Gage	March 24	DO PASS AS AMENDED	March 24

liability bill -- if the P.E. approves the construction and it is below standard, then he is liable. It is for a rural subdivision of 10 or more families. The subdivision developer hires his own engineer and assumes the liability. When the state approves a plan and problems later develop, the state holds the liability. But, if the plans are not carried out as drawn, the state shouldn't hold the liability and would be relieved of it by this bill. In one case where problems developed, the subdivision developer had gone bankrupt, and couldn't be held liable. Both Senator Beck and Senator Walker knew where this bill would pertain.

Senator Eck asked for the department registering these engineers. Rep. Cobb said it was the Department of Environmental Health and Sciences.

Senator Harding said some counties assume the responsibility of checking these matters and asked why all counties didn't. Rep. Cobb answered that all counties were not inspecting to see that plans were being followed. Senator Harding said she thought the pipes were not allowed to be covered without first being inspected. Mr. Pilcher said the only time a Lake County county sanitarian would inspect would be if it was a sub-surface disposal system under the septic tank permit program. At present, the public water supply could be constructed in Lake County without any sanitary supervision whatsoever. This bill singles out subdivision water systems, which qualify as public water or wastewater systems.

Rep. Cobb closed the hearing on House Bill 722.

DISPOSITION OF HOUSE BILL 722: Senator Beck moved that House Bill 722 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY. Senator Beck was assigned to carry the bill.

CONSIDERATION OF HOUSE BILL 762: Rep. Jan Brown, District 46, said the bill was to clarify the solid waste disposal in annexed areas. She said the bill arose out of a disagreement in Billings between the city and private garbage haulers.

PROPONENTS: Sue Weingartner, Executive Director of the Montana Solid Waste Contractors, Inc., appeared before the committee with prepared testimony, attached as Exhibit 1.

Dennis Johnston, Billings, said he and his wife operate two businesses in Billings, Big Sky Haul-Away and Yellowstone

Sanitation Service. His testimony is attached as Exhibit 2.

Mr. Johnson also distributed testimony written by Mr. Richard Beulke, entitled "Statement from the Yellowstone County Solid Waste District", which is attached as Exhibit 3.

Don Dunker, owner of the Billings D & F Sanitation Company, wanted to verify that the solid waste contractors are employers and taxpayers. He said they pay 20 different types of taxes, where the city government does not pay tax. He feels the $20,000 per year he pays helps support the school system, the highway system, etc., and that private enterprise should be encouraged in this type of business, as well as others.

Bob Fagliano, operator of the Three Rivers Disposal Company in Bozeman, said his company invested $2.5 million about 3 years ago in the Gallatin County area, and they contribute about $75,000 to the tax base of the state, city, and county. He said he found himself in agreement with the Burlington Northern officials who decided to leave the state because of its poor business climate. He felt perpetuating government where private enterprise could take over, was bad for the economy.

Don Ingels, representing the Montana Chamber of Commerce and himself, as a small businessman, spoke in support of the bill.

Riley Johnson, representing the National Federation of Business, said 34 businesses in Helena alone had been driven out of business from competition with government at various levels. He urged support of the bill.

OPPONENTS: Jim Van Arsdale, Mayor of Billings, spoke in opposition to the bill. His testimony is attached as Exhibit 4.

Kay Foster, Billings city council member, said Ward 4 has recently been annexed, bringing 1,700 people into the city and there has been a total of 5,000 brought into the city within recent years. In order to have annexation, the city had to prove it could provide city services such as water, sewer, fire, streets, parks, police and sanitation. She said the city population is 76 percent of the county, has been in the sanitation business a long time and is very efficient. People who have become annexed feel they are paying for garbage collection and many have asked why they must pay for private garbage hauling.

Dick Nisbett, representing the City of Helena, said Helena has not experienced this problem, but feels it could happen. He feels annexed areas should have the rights of the city in water, fire, garbage and other services.

QUESTIONS FROM THE COMMITTEE: Senator Story asked how often Mr. Fagliano picked up trash, and was told once a week. He said he charges $9 a month of unlimited service. He said his costs are greater than the city as they have to pay landfill costs and also have to travel greater distances. After spending a lot of time and money servicing a subdivision, it is annexed into the city and the city puts us out of business.

Senator Eck asked why the term "adequate service" was included in the bill. Sue Weingartner said it was done at the suggestion of the Legislative Council.

Senator Pinsoneault asked why the city wanted to step in and take over a service that was being provided by private enterprise. Mrs. Foster said the city had no intention of stepping in before the 5-year period given to the private haulers by the state, but that residents would call asking for the city garbage service and wonder when the 5-year period is up. Further, she said there is considerable difference in cost to the resident, the city charging much less.

Senator Pinsoneault asked if the Supreme Court's opinion indicated a difference from the legislative intent on previous legislation regarding this subject. Mayor Van Arsdale felt the Supreme Court intended things to be the way they are now. He said he felt the Supreme Court's decision stipulated that if a private hauler is servicing a customer when the city annexed the area, that hauler could continue servicing the customer for a 5-year period to help amortize his equipment. But, they were not dealing with the territory, they were dealing with the customer.

In closing, Rep. Jan Brown said many Supreme Court decisions do not seem to agree with the legislative intent of a bill. The cost to the customer, the private enterprise issue, and the possibility that private haulers couldn't service the entire city, are all questions that should be seriously considered by the committee. Rep. Brown closed the hearing.

ROLL CALL

Senate Local Government COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date Mar. 12, 1987

NAME	PRESENT	ABSENT	EXCUSED
BRUCE CRIPPEN			X
R. J. PINSONEAULT	X		
TOM BECK	X		
DOROTHY ECK	X		
H. "SWEDE" HAMMOND	X		
ETHEL HARDING	X		
LES HIRSCH	X		
PETER STORY	X		
ELEANOR VAUGHN	X		
MIKE WALKER	X		

Each day attach to minutes.

DATE March 13, 1987

COMMITTEE ON Local Government

VISITORS' REGISTER

NAME		BILL #	Check One	
			Support	Oppose
Lael Albert	City of Helena	HB762		X
E Bennett	City of Billings	HB762		X
Jakes Marin	City of Helena	HB762		X
Lee Heiner	MT Solid Waste Contractors	HB762	✓	
Bob Dunkle	BIDE Sanitation Billings	HB762	✓	
Bob Hagland	THROO Rivers Disposal Bozeman	HB762	✓	
John Arsdale	City of Billings	HB762		X
Mike Lavin	Billings Chamber of Commerce	HB762	✓	
Greg Foster	City of Billings	HB762		✓
BERGSTROM	MT. STATE COUNCIL OF PROFESSIONAL FIRE FIGHTERS	HB762		✓
Hayes	Mt. Chamber of Commerce	HB762	X	
Steve Pilcher	DHES, Water Quality	HB722	X	

(Please leave prepared statement with Secretary)

NAME Robert Fabian BILL NO. HB 762

ADDRESS P.O. Box 2588, Bozeman MT DATE 3/12/87

WHOM DO YOU REPRESENT Three Rivers Disposal Co.

SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 1, part I p. 1
3-12-87
HOUSE BILL NO. 762

Montana Solid Waste Contractors, Inc.

36 South Last Chance Mall, Suite A • Helena, Montana 59601 • 406-443-1160

HOUSE BILL 762

February 18, 1987

Testimony of Sue A. Weingartner, Executive Director

Our purpose in requesting HB 762 is to clarify the Legislative intent fo Section 7-2-4736, MCA. This section of the law says that when a municipality annexes additional areas, the hauler that serves that area may continue serving that "area" for the next five years--free from competition from the municipality. However, if at any time during that 5-year period the hauler doesn't provide adequate service, there is a remedy available: Because all private haulers are regulated by the Public Service Commission, upon proper showing to the PSC that adequate service isn't being provided, the City can then step in and take over the collection and disposal.

In addition, at the end of the 5-year period, an additional option is available to the residents of the area: If a majority of those resident within the area request municipal services, the municipality is free to step in and take over the services.

Because garbage collection is very capital intensive, a 5-year period gives the hauler time and notice to make necessary adjustment in his business. To suddenly lose a portion of customers through overnight annexation can deal a severe blow to a small business. Most Montana haulers are small businesses - many are "mom and pop" operations.

In most instances, this law has worked well. :The obvious exception is in Billings, the case mentioned in the preamble language to HB 762, in which the Montana Supreme Court interpreted the Legislative "area" language to mean "customers residing in the area" at the time of annexation.

Two additional items in the bill:

(1) We feel that the "petition" method on p. 2 line 12, of requesting city services is a more organized and accountable way of determining the "majority of residents"; and

(2) We request the "adequate service" be defined in subsection (3) beginning on page 2, line 21.

We would be happy to provide any additional information or answer any questions the Committee might have. We urge your support of HB 762.

Ex 1, Part 2
3-12-87
HB 762

Sec. 21-214. Collection by city exclusive.

It is unlawful for any person other than the city to engage in the business of collecting, removing and disposing of refuse within the jurisdiction of the city, or for any person other than the city, its agents or employees to do or perform any of the things herein required to be done or performed by the city, except as provided in section 21-215. The city administrator, with the consent of the city council, may call for bids on any areas that may be opened for competitive bidding by private haulers.
(Code 1967, § 7.24.290)

Sec. 21-215. Special permits.

In the case of isolated premises or where reasonable access cannot be had by truck, refuse therefrom may, upon written special permission of the city, be collected, removed and disposed of in such manner as the city shall in and by such permit approve and direct.
(Code 1967, § 7.24.300)

Sec. 21-216. Supervision of disposal.

All matters relating to the collection, removal and disposal of refuse, unless specifically placed under the direction of the city/county board of health, shall be done and performed under the supervision, direction and control of the city administrator, and in strict conformity with the provisions of this article and with any additional rules and regulations that may be made from time to time by the city administrator.
(Code 1967, § 7.24.310)

Sec. 21-217. Load security.

No person for himself or herself or on behalf of any other person shall operate a vehicle within the city or between the city and the city landfill disposal site transporting material or refuse of any kind or nature which is not fully secured. "Unsecured loads" are defined as a load of any quantity of any material or refuse that is not fully tied, covered or enclosed in such a manner that material being transported cannot be spilled, blown, dropped or otherwise lost from the transporting vehicle. Any person violating this section on load security shall be guilty of a misdemeanor, shall be issued a citation and notice to appear, shall be required to unload in a designated landfill area and shall pay a minimum fine as follows:

Cars and station wagons	$ 5.00
Pickup trucks and small trailers	5.00
Up to one and one-half ton trucks	20.00
Up to five tons single axle	35.00
Over five tons tandem axle	50.00
Semi-trailers	50.00

Such amounts may be forfeited without the necessity of appearance in court. The maximum fine is as provided in section 1-110. Upon subsequent offenses by the same person, no forfei-

EXHIBIT NO. 1, Part II, p.1
DATE 3-12-87
HOUSE BILL NO. 762

MSWC

Growing with Montana

ADDITIONAL INFORMATION

HOUSE BILL 762

Montana Solid Waste Contractors, Inc.
36 South Last Chance Mall, Suite A • Helena, Montana 59601 • 406-443-1160

Capital Station
Helena, MT 59620

SENATE LOCAL GOVERNMENT
EXHIBIT NO 2, page 1
DATE 3-12-87
HOUSE BILL NO 762

March 10, 1987

Attn: Local Government Committee, Room 405
Ref: House Bill 762, scheduled for committee hearing 3/12/87, 1:00 pm

Dear Mr. Bruce Crippen,

My name is Dennis Johnston and I live in Billings, MT. My wife and I own and operate two businesses in Yellowstone County; Big Sky Haul-Away, and Yellowstone Sanitation Service. We have been in business for nine years and employ approximately twenty people.

Because of the large area that has been annexed in the past few years, it is very important that we can continue to service those areas for the remainder of the five year period without interference from the City of Billings. This is necessary to allow us time to recoup our investment in the equipment that we have purchased to service the rural areas of Billings and Yellowstone County. House Bill 762 will allow us to do this.

Over the last year and a half we have lost over 575 customers because of annexation. If the City continues to offer service to those new people and businesses who have moved into the annexed areas it will result in a loss of revenue needed to continue servicing those areas, thus keeping our rates higher. If this bill is passed it is possible after the five year period that we could be competitive with City rates. Those residents and businesses that the city is providing service to in the annexed areas are not all newly constructed homes and businesses. For example, if we have been servicing a business on Main Street in the Billings Heights area in the past, and the business moves or goes out of business, the city will provide service to the new business moving in at that same address resulting in a loss of that customer to our company. The national average indicates that people move once every five to six years. As you can see, that would make it very difficult for us to recoup our investment.

The City of Billings sanitation department is very aggressive in enlarging their department. It is costing them an excessive amount of money to provide service to those scattered customers for the five year period. The refuse collection business is unique in that competition does not always decrease cost to the customers. Simply, more customers per area increases production and decreases operating costs.

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 2, p. 2
DATE 3-12-87
BILL NO. HB 762

The Billings City Administrator has indicated to us that we are attempting to pass laws to protect our business resulting in a monopoly but neglects to mention that the City of Billings has an ordinance stating exclusive rights to all garbage collection within the city. See attached city code, section 21-214.

In 1979, we started to service the K-Mart store at 2424 Central. It was indicated to the management of K-Mart that they could contract for our service but would be required to continue to pay the city for service that they were not receiving. At that time, the matter was turned over to K-Mart's corporate lawyers and the matter was then dropped. This same situation arises with trailer courts and small businesses who wish to contract with our companies. The City of Billings again tells them that they may contract out for service but must continue to pay them for service not received. Because of the size of the businesses, they are not able to call upon their corporate lawyers. This keeps the customer bound to city service because of the city ordinance eliminating the customers freedom of choice even though he might choose to use private service.

I will be in Helena Thursday morning March 12th and will be available for any additional information that you may require. I will also present oral testimony at the committee meeting on Thursday.

A negative decision on House Bill 762 could adversely affect another small Montana business.

Sincerely,

Dennis Johnston

Dennis Johnston
Big Sky Haul-Away/Yellowstone Sanitation
President

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 3
DATE 3-12-87
BILL NO. HB 762

STATEMENT FROM THE YELLOWSTONE COUNTY
SOLID WASTE DISTRICT

RICHARD BEULKE, CHAIRMAN

MARCH 12, 1987

HOUSE BILL 762

For consideration of HB 762, on March 12, 1987, the private haulers have been of considerable assistance to the Yellowstone county Solid Waste District of which I am Chairman. They have lost a considerable amount of customers due to annexation and it is extremely important that they be permitted to retain those customers for five years to offset their equipment investment. Otherwise, residents of Yellowstone County will understandably be required to pay increases for service from private haulers because of the shift of costs from annexed areas to county residents.

On behalf of our Board, I sincerely urge your favorable support of this bill.

EXHIBIT 4, page 1
DATE 3-12-87
BILL NO HB 762

HOUSE BILL 762

March 1987

My name is Jim Van Arsdale. I'm the Mayor of the City of Billings and I am here before you today to testify in opposition to HOUSE BILL 762.

By way of background, the private garbage haulers in the City of Billings came to the Legislature several years ago and asked for a three-year moratorium on the City providing service to their customers in an annexed area. The Legislature agreed to this on the premise that the haulers had a major investment that they needed to recoup for their equipment. The Legislature felt that it would not be fair to take customers away from these firms.

Later, the same haulers came back to the Legislature and asked for an extension from three to five years for this moratorium on the premise that they could not pay off their trucks in a three-year period. The Legislature approved this request.

The City of Billings was then taken to court over the issue of whether or not the City could provide service to new (as opposed to previously existing) customers in annexed areas. The existing law has been reviewed all the way through the Supreme Court of Montana, and the conclusion reached was that the purpose of the legislation wa to provide the private haulers with a guarantee of their existing base upon annexation of a property and to give them time to adjust.

HOUSE BILL 762 provides not only that existing customers are protected, but also that the private haulers will serve all of the properties in newly annexed areas for a five-year period. For example, if the City of Billings were to annex a 120 acre tract and subdivide it into 500 separate lots, the private haulers would have 500 new customers where they had no customers

Ex. 4
3-13-1
HB 76

before. I should also point out that the only reason that these 500 lots would be possible is that annexation would have provided the developer with City water and sewer.

This does not seem to meet the purpose that previous Legislatures have established, i.e., that the existing customer base for the private hauler should be protected for an interim period. In fact, this seems to be counter to the original purpose because at the end of a five-year period, a hauler could be in worse shape after acquiring equipment to serve these 500 new customers if they did petition to come into the City. Will the haulers be back to the Legislature requesting an additional five years when the original moratorium have expired?

We think the public interest is best served by letting the Supreme Court decision stand. The City of Billings has recently annexed a large number of properties. One of the recurring complaints that we receive is that new citizens feel they have second class status because they are unable to take advantage all City services. They generally pay more for refuse collection than the $54 per year that we charge for collection and disposal. THis added cost may be all the way from $73 ($64 collection, $9 disposal cost) to over $100, depending upon what the private hauler charges for the area.

In effect, the extra dollars paid to private haulers amount to a tax on those who pay. Under current law, a public purpose, that of fairness to the private haulers, is served. We contend that under the proposed law no public purpose whatsoever is served by this "tax", and that only a private purpose is served.

In addition, the Bill could create a patchwork of jurisdiction within the City with areas being served by private haulers surrounded by areas served by the City. For example, if we annex a 20-acre tract with a single

farm house being served by a private hauler, and that tract is subdivided into 50 lots, we could not serve those lots for five years, and possibly never. In the meantime, if we were to annex the surrounding property, and that property was not being served by a private hauler at the time of annexation, we could provide City garbage service to that property. This could lead to islands within the City being served by private haulers.

I know that previous testimony on this Bill has indicated that it amounts to simply clearing up various court decision rules; but, in fact, it precludes the City from providing any service to new construction or to properties that were not previously served by the private haulers, such as we are doing now. This could lead to a situation where people could reject the private service, but yet fail to comply with the City's ordinances relating to keeping their property clean and doing the things that are necessary to protect public health and safety. If we have no way to provide this service ourselves, we could be creating a future public health problem.

There has been some contention by the private haulers that their fees have to be higher because they pay GVW and Fuel Tax fees. If the Legislature has seen fit to exempt the City from these fees, it seems that City taxpayers should be able to take advantage of these exemptions. To use this as an argument to ask City residents to pay more for lesser service seems unfair and may create ill-will by the persons affected.

We respectfully request that you do not support HOUSE BILL 762. Thank you.

Senator Vaughn said she had a considerable amount of mail from title companies complaining about the possibility of shorter hours in the court houses. Mr. Morris said commissioners will have to take the needs of citizens into account when they shorten hours.

Senator Harding asked if savings on heat and lights was a consideration in the forming of the bill. Rep. Ellison thought utility savings would be minimal. He envisioned consultations between the commissioners and each department and a determination made on how savings could be effected.

Senator Beck said it would be very difficult for Class 1 county offices even to close for one day a week. Mr. Morris disagreed with the assumption that you can distinguish the needs of large counties from the need to close the courthouse to save funds. Large counties may need to effect savings as well as small ones.

Senator Beck asked how the bill would affect protective services, such as police and fire. Mr. Morris said you cannot close the jail or sheriff's department, as they need to provide services 24 hours a day; but you could change hours from 9 to 3 or 7 to 2.

Senator Eck said the bill refers to collective bargaining being allowed. Mr. Morris thinks the likelihood is virtually nil, but said if they did go into collective bargaining, they would hope to have a RIF (reduction in force) provision written into the contract.

In closing, Rep. Ellison said the curtailment of salaries was an option to the county commissioners that probably wouldn't be used very often. Even the Governor has given state departments orders to cut budgets. This would give county commissioners that option and flexibility.

EXECUTIVE SESSION

ACTION OF HOUSE BILL 762: Karen Renne distributed amendments suggested by Alec Hansen of the League of Cities and Towns, which is attached as Exhibit 12. She said the amendments refer to "persons or businesses or their successors in interest", so a new purchaser of property in the annexed area would be treated the same as the previous customer. Amendment #5 came from Allen Tandy, who said the city felt if new construction was built, the city should be able to serve the new resident, and thus the reason for the amendment. He feels it is totally inequitable for the legislature to mandate what should go on in Billings.

Rose Skoog, appearing for the Montana Solid Waste Contractors Association, sponsoring organization of the bill, said the bill in its current form was intended to clarify the original legislation. Current law says the private hauler may continue to serve the "entire annexed area", but the court opinion added "individual customers" in place of "entire annexed area". If the private garbage hauler is able to collect from the entire annexed area, they are able to do so at competitive prices with the city; but, if resident's garbage within the area is collected by the city, the hauling becomes more expensive.

Senator Walker said a subdivision could develop in an area and surround a single farm home. This would allow the annexed area to be collected by the private hauler for five years - perhaps 200 homes. He disagreed with this being done.

Senator Hammond felt the amendment might cause friction and Mr. Tandy said there already was tension because of the problem. He hoped there might be some long term relief for the situation. There is constantly a situation where we have requests for city trucks to haul in areas that are serviced by the private haulers.

Senator Pinsoneault said he had received letters from residents of the annexed areas asking why they had to stay with the private haulers and expressing a desire to use the city garbage service. They complained because the private service costs more.

Sue Weingartner, lobbyist for the garbage haulers, admitted in some cases the private service did cost more, but said it also cost less in some cases.

Dennis Johnson, private hauler, said if a resident was out of town and cancelled the service for a month or for the winter, he wasn't charged for the service. But, whether or not a user of the city service was out of town for any period of time, they still paid each and every month.

Senator Hammond asked if the private haulers were allowed to compete for customers within the city limit. Mr. Johnson said there was a city ordinance preventing that. According to Public Service regulations, you have to prove a need or you can't get a permit to operate. Senator Walker said there is competition between city hauling and private hauling in Great Falls.

Senator Eck asked to what extent the Public Service Commission establishes rates. Mr. Johnson said the rates were not set by the Commission. Competition tends to set the rates.

Senator Vaughn asked if any suggestions had been offered that you bid to haul the entire city of Billings. Mr. Johnson said no, but it was a national trend and he felt they could be competitive.

Mrs. Skoog said in Billings the City has actively attempted to compete with the private haulers, and that was the reason for this bill.

Senator Eck said one letter indicated the city had agressively circulated petitions. Mrs. Skoog said it was her understanding that whenever someone in an annexed area would move, the city would appraoch the new resident, even though the 5 year period was not over. The new resident was not completely informed of the fact the city was not supposed to collect in that area until the 5 years was over.

Mr. Tandy said the Supreme Court had ruled "or new construction" was the law and that it was legal for the city to approach a new house owner and arrange for city collection.

Sue Weingartner said there is a companion statute stipulating if the city intends to take over the entire city, they must give the private haulers 5 years notice to that effect.

Senator Pinsoneault asked if a private hauler could haul competitively, why wouldn't the city let him do it. Kay Foster, Billings city councilwoman, said the city had requests for the city service, and that the city makes little money and uses it for other city costs.

Chairman Crippen said the "area" seemed to be the problem and hoped some common ground could be found between the two opposing sides.

Because the Senate was ready to go into session, further discussion on the bill was postponed.

The meeting adjourned at 2:55 p.m.

Following the meeting, Mr. Donald L. Bidwell, President of

ROLL CALL

SENATE LOCAL GOVERNMENT COMMITTEE

48th LEGISLATIVE SESSION -- 1987 Date 3-17-87

NAME	PRESENT	ABSENT	EXCUSED
Chairman Bruce Crippen	X		
R. J. Pinsoneault	X		
Tom Beck	X		
Dorothy Eck	X		
H. Swede Hammond	X		
Ethel Harding	X		
Les Hirsch 1	X		
Peter Story	X		
Eleanor Vaughn	X		
Mike Walker	X		

Each day attach to minutes.

50TH LEGISLATIVE SESSION
MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 19, 1987

The twentieth meeting of the Local Government Committee was called to order by Chairman Bruce D. Crippen at 12:30 p.m. in Room 405 of the Capitol.

ROLL CALL: Members present were Senators Pinsoneault, Hirsch, Eck, Hammond, Vaughn, Harding and Crippen. Members who were excused for the first part of the meeting but arrived later were Senators Beck, Story and Walker.

The first order of business called by the Chairman was:

EXECUTIVE SESSION

ACTION ON HOUSE BILL 762: Senator Hammond moved House Bill 762 BE CONCURRED IN. The motion PASSED by a vote of 9 to 1, with the absent members having sent their votes to Karen Renne, the staff lawyer. The committee member casting the NO vote was Senator Walker.

ACTION ON HOUSE BILL 561: Exhibit 1 suggested an amendment by county clerks, and Exhibit 2 shows technical amendments suggested by MACo. Copies of each were distributed by Ms. Renne.

After discussion by the committee, Senator Story moved the committee ADOPT the amendment in Exhibit 1. He then WITHDREW his motion.

Senator Harding moved the amendments submitted by the County Clerks. The motion CARRIED with Senators Hirsch and Eck voting NO.

Senator Eck MOVED the MACo Amendments. The motion CARRIED UNANIMOUSLY.

Senator Story moved that AS AMENDED, HB 561 BE NOT CONCURRED IN. The motion PASSED by a vote of 8 to 2 with Senators Eck and Hammond voting NO.

STANDING COMMITTEE REPORT

March 19, 19 87

MR. PRESIDENT

We, your committee on Local Government

having had under consideration House Bill No. 762

Third reading copy (blue color)

J. Brown (Harding)
CLARIFICATION ON GARBAGE COLLECTION IN ANNEXED AREAS

Respectfully report as follows: That House Bill No. 762

HE CONCURRED IN

~~AMEND~~

~~AMENDMENTS~~

Sen. Pinsoneault, Vice Chairman.

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date

NAME	PRESENT	ABSENT	EX
REP. NORM WALLIN, CHAIRMAN	✓		
REP. RAY BRANDEWIE, VICE CHAIRMAN	✓		
REP. BUDD GOULD	✓		
REP. REP. TIMOTHY WHALEN	✓		
REP. PAULA DARKO	✓		
REP. TOM BULGER	✓		
REP. JAN BROWN	✓		
REP. BOB GILBERT	✓		✓
REP. LARRY GRINDE	✓		
REP. WALTER SALES	✓		
REP. STELLA JEAN HANSEN	✓		
REP. PAUL PISTORIA			✓
REP. ROBERT HOFFMAN	✓		
REP. LES KITSELMAN	✓		
REP. JACK RAMIREZ	✓		
REP. DAVE BROWN	✓		
REP. CAROLYN SQUIRES			

No. 85-274

IN THE SUPREME COURT OF THE STATE OF MONTANA

1986

D & F SANITATION SERVICE, BIG SKY HAUL AWAY and YELLOWSTONE SANITATION SERVICE,

Plaintiffs and Appellants,

-vs-

CITY OF BILLINGS,

Defendant and Respondent.

APPEAL FROM: District Court of the Thirteenth Judicial District, In and for the County of Yellowstone, The Honorable Diane G. Barz, Judge presiding.

COUNSEL OF RECORD:

For Appellant:

Alexander & Baucus; Gary M. Zadick argued, Great Falls, Montana

For Respondent:

Peterson, Schofield & Leckie; Kenneth Peterson argued Billings, Montana

---

Submitted: October 25, 1985

Decided: January 16, 1986

Filed: JAN 16 1986

Ethel M. Harrison

Clerk

The entire case was presented as evidence, not photocopied for this history.